

U.S. Appln. No. 09/864,696
Amendment Dated Apr. 22, 2005
Reply to Office Action of Feb. 22, 2005
Docket No. 6169-224

IBM Docket No.: BOC9-2000-0091

REMARKS/ARGUMENTS

These remarks are submitted responsive to the final Office Action of February 22, 2005 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraph 5, the Examiner has rejected claims 1-4, 6-11, and 13-23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,480,890 to Lee, *et al.* (Lee). In paragraph 6, the Examiner has rejected claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of U.S. Patent No. 6,178,438 to Tschirhart, *et al.* (Tschirhart).

In this Office Action, the Examiner has re-asserted previous arguments. In doing so, the Examiner stated that the Applicants failed to comply with 37 CFR 1.111(b) "because their response amounted to a general allegation without specifically pointing out how the language of the claims is patentably distinguished from the references." Applicants disagree and respectfully submit a request for reconsideration.

The claimed invention includes limitations of a SLEE and an Internet enabled service component (IESC). A SLEE is a term of art in computer science known to one of ordinary skill. The IESC is a novel component invented by the Applicants. Both these terms are defined in the specification. None of the Examiner's cited passages address these limitations. For teachings specific to a SLEE, the Examiner has cited column 1, lines 49-59 that is a paragraph of Lee's summary that provides an overview of Lee's invention. For teachings specific to the novel IESC SLEE component, the Examiner has cited column 3, lines 19-27 of Lee that states a Web interface can reside on a Web server. No other references from Lee or Tschirhart have been cited for teaching the IESC or the SLEE.

On pages 11 and 12 of the Applicants' previous response, the Applicants noted the cited lines of Lee (column 1, lines 49-59) and detailed how they were different from a

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SLEE. Applicants also detailed how column 3, lines 19-27 of Lee were different than the IESC claimed by the Applicants.

In the current Office Action, the Examiner has not provided any substantive comments concerning references cited for teachings a SLEE and/or an IESC, nor explained the Examiner's logic as to why the aforementioned passages were cited. Applicants previously explained their rational as to why the cited references fail to teach either a SLEE or a IESC (pages 11-12 of the previous response). The Applicants understand that their logic will not always prove to be persuasive to an Examiner, but typically are provided with some rational as to why their logic was not persuasive. This permits the Applicants to either clarify their argument, modify their argument, amend their claims, or otherwise suitably advise a client or prepare a response.

In this Office Action, the Examiner's only explanation or comment regarding the Applicants' previous arguments is the statement "However, in one aspect Lee teaches a web interface to a service creation environment (See col. 1, lines 50-59). Thus, Lee is indistinguishable from the present invention." Applicants note that a service creation environment is an environment defined in Lee, which is not defined in the same manner as a SLEE would be defined. Detailed arguments showing these differences are contained in the previous response.

That is, in their previous response, Applicants had detailed (page 8-10) the Applicants' understanding of the service creation environment of Lee, the Applicants' understanding of a SLEE, and how the two were different. Applicants have not received any guidance in the present Office Action that explains how their arguments (showing differences) were flawed or insufficient.

In light of the above, Applicants respectfully request that their previous response be reconsidered. Applicants assert that this previous response did not consist merely of generic allegations, but instead specifically pointed out differences between the claimed invention and the cited references. For example, Applicants detailed how the cited

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portions of Lee failed to teach a SLEE or a IESC, which are claimed. Applicants stress that a SLEE has a very specific and well defined architecture as noted in the figures and specification. Applicants further stress that the conventional SLEE architecture fails to include the IESC component, which is a novel aspect of the claimed invention.

Since neither Lee, Tschirhart, or combinations thereof explicitly, inherently, or implicitly teach an IESC as defined and claimed by the Applicants, nor do they teach any equivalent component configured to execute within a SLEE, rejections to claims 1-23 should be withdrawn, which action is respectfully requested.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Gregory A. Nelson, Registration No. 30,577
Brian K. Buchheit, Registration No. 52,667
AKERMAN SENTERFITT
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000